

Remarks/Arguments

I. Introductory Comments

Applicants wish to thank Examiner Morris for helpful assistance extended during a phone interview conducted on May 4, 2005 with the Applicants representative.

II. Claim Status

Prior to this amendment claims 2, 9, 10, and 11 – 15 were pending. Claims 9, and 11-15 have been cancelled without prejudice. Claim 2 has been amended to restrict the definition of R^3 , R^4 and R^6 to non-heterocyclic groups. Additionally a definition for the group R^{2a} has been added. Support for this definition may be found in the specification as filed at page 20 lines 3-24 and page 21 lines 1-4. The definition for R^{2a} does not contain heteroaryl or heterocyclic groups in order to comply with the Examiners previous restriction requirement. The terms “solvate” and “prodrug” have been deleted without prejudice and without conceding the Examiners position.

New claims 16 and 17 have been added. Claim 16 is directed to the benzotriazole compounds described in Examples 3, 9 and 16 and pharmaceutically acceptable salts thereof. Support may be found in the specification as filed at page 43 lines 5-8; page 43 lines 1-4 and page 31 lines 9-31 through page 32 lines 1-22. Claim 17 is directed to pharmaceutical compositions comprising a compound as described in Examples 3, 9 or 16 or a pharmaceutically acceptable salt thereof and a pharmaceutically acceptable carrier. Support may be found at page 43 lines 5-8; page 43 line 30 through page 43 lines 1-2; page 45 lines 1-4; page 31 lines 9-31 through page 32 lines 1-22 and page 34 lines 15-31 through page 35 lines 1-13.

No new matter has been added by these amendments.

III. Claim Rejections

a) 35 U.S.C. § 112 Second Paragraph

Claims 1 and 9 stand rejected under 35 U.S.C. § 112 first paragraph. The Examiner contends that the prodrugs and solvates of the compounds of the invention are not enabled. Claim 1 was cancelled in the previous amendment. Applicants are assuming the Examiner is applying this rejection to Claim 2. Claim 9 has been cancelled and Claim 2 amended without

prejudice and without conceding the Examiners position, to delete the terms “prodrug” and “solvates” thus rendering the rejection moot.

Applicants respectfully request reconsideration and withdrawal of this rejection.

b) 35 U.S.C. § 112 Second Paragraph

Claims 1 and 9 stand rejected under 35 U.S.C. § 112 second paragraph. The Examiner contends that the terms “prodrug” and “solvate” in claims 1 and 9 are indefinite. Claim 1 was cancelled in the previous amendment. Applicants again assume the Examiner is applying this rejection to Claim 2. Claim 9 has been cancelled and Claim 2 amended without prejudice and without conceding the Examiners position, to delete the terms “prodrug” and “solvates” thus rendering the rejection moot.

Reconsideration and withdrawal of this rejection is respectfully requested.

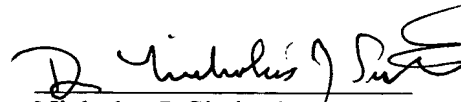
Conclusion

It is believed that the application is now in condition for allowance. Favorable action is earnestly solicited. If the Examiner believes a telephonic interview would expedite the prosecution of the instant case he is invited to call the applicants representative whose contact information appears below.

Respectfully submitted,

Date: _____

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